IN RE: PETITION FOR ZONING VARIANCE NE/Corner of the Intersection of \* DEPUTY ZONTHO COMMISSIONER Saddler and Burridge Roads (8605 Saddler Road) \* OF BALTIMORE COUNTY 9th Election District 6th Councilmanic District \* Case No. 89-544-A

> Leilani S. Sain Petitioner

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioner herein requests a variance to permit a side yard setback from a street centerline of 39 feet in lieu of the required 40 feet in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Alan H. Stocksdale, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 8605 Saddler Road, is located at the corner of Saddler and Burridge Roads, consists of .157 acres zoned D.R. 5.5 and is improved with a single family dwelling which Petitioner purchased in 1979. Testimony presented indicated that at the time of the title search, it was revealed that the improvements on the property did not meet current setback requirements and that a variance was required to correct the error. Petitioner believes the house as it exists today, and at the time of purchase, is as it was originally constructed in 1955. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the <u>Paltimore County Zoning Regulations</u> (B.C.Z.R.)

## ZONING DESCRIPTION

BEING designated as Lot No. 3, Block Q, as shown on a Plat entitled "Section -V-B, Woodcroft," which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 20, Folio 95, and lying situate at the southeasternmost corner of the intersection of Saddler Road and Burridge Road. Also known as 8605 Saddler Road in the 9th Election District.

## CERTIFICATE OF PUBLICATION

TOWSON, MD., June 15 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of /\_ successive 

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5. Zete Orlan

The Zoring Commissioner or Baltimore County, by suthority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 or the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204 as follows:

Petition for Zoring Variance Case number: 89-544-A NE comer of intersection of Saddler & Burridge Roads 8605 Saddler Road 9th Election District

Sth Councilmanic
Petitioner(s):
Leilani S. Sain
Hearing Date: Tuesday,
July 11, 1989 at 9:30 a.m.

Variance: to allow a side yard suback along the street side to be 39 ft. in lieu of the minimum 40

from street centerline. In the event that this Petition is

granted, a building permit may be issued within the thirty (30) day access period. The Zoning Com-missioner will, however, entertain any request for a stay of the is-

period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above of

J ROBERT HAINES

Zoning Commissioner of Baltimore County

and, therefore, should be granted. There is no evidence in the record that 'he subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unrease able hardship upon the P .itioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of July, 1989 that the Petition for Zoning Variance to permit a side yard setback from a street centerline of 39 feet in lieu of the required 40 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > 1 M Nostrania ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

79-244-12 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALYIMORE COUNTY Towsen, Maryland

- 9Ih	Date of Posting 6/23/89
District 9 Th  Posted for: Valiance	
Patitioner Leilani S. Sai	 ↑ 
Location of property: NE/COY. Se	Solar + Durridgo Rd
8605 SE LALL Rd	74 ( -
Location of Signs: Foundary Godd!	Olas prog. Lo Fr.
nod way on property of	Felilionen
Remarks:	Date of return: 6/23/89
Posted by MISTealey	Date of return:

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Leilani 5. Sain

8605 Saddler Road

AMN:bjs

Date: 6117 89

Baltimore, Maryland 21234 Dennis F. Rasmussen

Re: Petition for Zoning Variance CASE NUMBER: 89-544-A 9th Election District - 6th Councilmanic NE corner of intersection of Saddler & Burridge Roads 8605 Saddler Road Petitioner(s): Leilani S. Sain HEARING SCHEDULED: TUESDAY, JULY 11, 1989 at 9:30 a.m.

Number of Signs:

Dear Petitioner(s): Please be advised that \$ \$7.86 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the time it is posted by this office unit! the day of the hearing.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Paltimore County, Haryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

will be an additional BALTIMORE COUNTY, MARYLAND (NEFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines

July 13, 1989



Baltimore, Maryland 21234 RE: PETITION FOR ZONING VARIANCE NE/Corner of the Intersection of Saddler & Burridge Roads (8605 Saddler Road) 9th Election District - 6th Councilmanic District Leilani S. Sain - Petitioner Case No. 89-544-A

Dear Mr. Stocksdale:

Alan H. Stocksdale, Esquire

6717 Harford Road

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours, MNio ferrig ANN M. NASTAROWICZ

Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

AMN:bjs

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines

May 30, 1989

Dennis F. Rasmussen County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

NOTICE OF HEARING

Petition for Zoning Variance CASE NUMBER: 89-544-A 9th Election District - 6th Councilmanic NE corner of intersection of Saddler & Burridge Roads 0605 Saddler Road Petitioner(s): Leilani S. Sain HEARING SCHEDULED: TUESDAY, JULY 11, 1989 at 9:30 a.m.

Variance: To allow a side yard setback along the street side to be 39 ft. in lieu of the minimum 40 from street centerline.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Baltimore County cc: Leilani S. Sain Paul R. Cvach, Esq.

Zoning Commissioner of

J. ROBERT HAINES

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-544-A The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section \_ Arended Section. III Par. C.3. [1354] To allow a side yard setback along the street side to be 39 ft. in lieu of the minimum 40 from street centerline

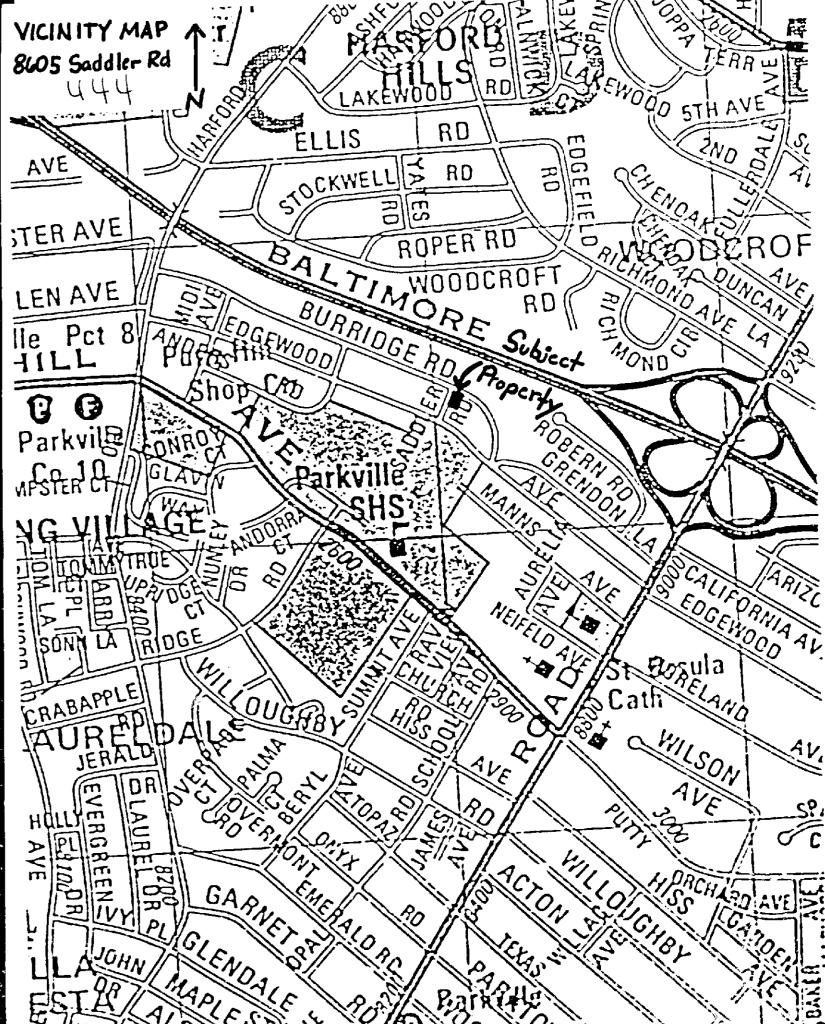
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Ms. Leilan S. Sain is the legal owner of 8605 Saddlin Road located in the 9th District of Baltimore County (the "Property"). A survey of the Property revealed that the sideyard set-back is 14 1/2 feet instead of 15 feet as required by the Baltimore County Zoning Regulations. Under the present circumstances, to require Ms. Sain to raze the side of her home in order to comply with the zoning regulations would cause her undue hardship, not to mention an enormous expense. Similarly, strict compliance with the zoning regulations would render conformance unnecessarily burdensome because it requires tearing down Ms. Sain's home. Lastly, the one-half foot variance can be granted without jeopardizing the public's safety and welfare.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

	I/We do solemnly declare and under the penalties of perjury, that are the legal owner(s) of the prowhich is the subject of this Petition.	operty
Contract Purchaser:	Legal Owner(s):	E. D
	Leilani S. Sain	CATE
(Type or Print Name)	(Type or Print Name)	200
Signature	Signature Signature	1000
Address	(Type or Print Name)	
City and State	Signature	
Attorney for Petitioner: Stocksdale, Jarrell & Cvach	8605 Saddler Road (301) 668	
(Type or Print Name)  By: Gall & Common Comm	Address Phone Baltimore County, Maryland 21234 City and State	: No.
Signature 6717 Harrford Road Address	Name, address and phone number of legal own tract purchaser or representative to be conta	ner, con- acted
Baltimore, Maryland 21234  City and State	Name	
Attorney's Telephone No.: _301-254-6877	Address Phone	
ORDERED By The Zoning Commissioner o	f Baltimore County, this 26	day
required by the Zoning Law of Baltimore Coun out Baltimore County, that property be posted, Commissioner of Baltimore County in Room  County, on the day of	the subject matter of this petition be adver ty, in two newspapers of general circulation and that the public hearing be had before the 106 County Office Building in Towson, B	tised, as through- e Zoning altimore
County, on theday ofday.	<b>A</b>	
M.	Zoning Commissioner of Baltimore	
	Zoning Commissioner of Baltimore	County



VALIDATION OR SIGNATURE OF CASHIER

ISTORY 19 BRICK DWL, L 2663 **\* 8605** 25'B.C.L. & ORNAMENTAL CUES SADDLER ROAD 1 50' R/W - PAVED 35')

> PLAT FOR ZONING VARIANCE 8605 Saddler Road

Lot: Designated as No. 3, Block Q, as shown on a Plat entitled Section V - B, which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 20, Folio 95.

Subdivision: Woodcroft Lot Size: 6834 sq. ft. .157 acres Election District: No. 9 Zoned: DR 5.5 Scale: 1" = 30'

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 111 M. Chasapeake Ave.

Paul R. Cvach, Esquire Stocksdale, Jarrell & Cvach 6717 Harford Road Baltimore, MD 21234

> RE: Item No. 444, Case No. 89-544-A Petitioner: Leilani S. Sain Petition for Zoning Variance

June 22, 1989

Dear Mr. Cvach:

Burcau of

Department of

Bureau of Fire Prevention

Health Department Project Planning

Building Department

Board of Education

Industrial Development

Zoning Administration

State Roads Commissio

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. herwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer/jer Zoning Plans Advisory Committee

Enclosures cc: Leilani S. Sain

8605 Saddler Road Baltimore, MD 21234

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

April 25, 1989

Dennis F. Rasmuren

Mr. J. Robert Haines Zoning Commissioner County Orfice Building Towson, MD 21204

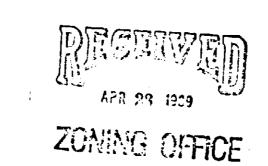
Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 424, 425, 426, 427, 428, 429, 430, 431, 432, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, and 448.

Very truly yours,

Michael S. Flanigan Traffic Engineer Assoc. II

MSF/lab



Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500

Paul H. Reincke Chal

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



RE: Property Owner: Leilani S. Sain

Location: NE corner of intersection of Saddler and Burridge Fds.

Item No.: 444 Zoning Agenda: April 25, 1989

Centlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Special Inspection Division

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 19 69.

ZONING COMMISSIONER Petitioner's Received by: James P. Chairman, Zoning Plans

Advisory Committee

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee LATE: May 17, 1989 FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for April 25, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 424, 425, 427, 428, 429, 430, 431, 432, 435, 437, 439, 440, 441, 442, 443, 444, 445, 447, and 448. Comments are attached for Items 426, 434, 436, 438 and

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

BALTIMORE COUNTY, MARYLAND

TO: J. Robert Haines

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

Zoning Commissioner

Re: Leilani S. Sain

The Petitioner requests a variance to allow side setback of 39 feet to the street centerline in lieu of the required 40 feet. In reference to

INTER-OFFICE CORRESPONDENCE

DATE: June 16. 1989

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Item No. 444

Case No. 89-544-A

this request, staff offers no comment.

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